

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONALD BATES, et al.,

Plaintiffs,

v.

ASTRAZENECA LP, ASTRAZENECA  
PHARMACEUTICALS LP and MCKESSON  
CORPORATION,

Defendants.

No. C 09-4150 CW

ORDER ON  
STIPULATED MOTION  
REGARDING  
PLAINTIFFS'  
REQUEST FOR  
ADMINISTRATIVE  
RELIEF AND ORDER  
ESTABLISHING  
QUALIFIED  
SETTLEMENT FUND  
AND APPOINTING  
FUND  
ADMINISTRATOR

CAROLYN HARRISON, et al.,

Plaintiffs,

v.

ASTRAZENECA LP, ASTRAZENECA  
PHARMACEUTICALS LP and MCKESSON  
CORPORATION,

Defendants.

No. C 09-4151 CW

TODD BOGGIS, et al.,

Plaintiffs,

v.

ASTRAZENECA LP, ASTRAZENECA  
PHARMACEUTICALS LP and MCKESSON  
CORPORATION,

Defendants.

No. C 09-4159 CW

1 PAUL TRIM, et al.,

No. C 09-4160 CW

2 Plaintiffs,

3 v.

4 ASTRAZENECA LP, ASTRAZENECA  
5 PHARMACEUTICALS LP and MCKESSON  
6 CORPORATION,

7 Defendants.  
8 \_\_\_\_\_/

9 ANTONIO BURTON, et al.,

No. C 09-4162 CW

10 Plaintiffs,

11 v.

12 ASTRAZENECA LP, ASTRAZENECA  
13 PHARMACEUTICALS LP and MCKESSON  
14 CORPORATION,

15 Defendants.  
16 \_\_\_\_\_/

17 GLORIA MILLER, et al.,

No. C 09-4163 CW

18 Plaintiffs,

19 v.

20 ASTRAZENECA LP, ASTRAZENECA  
21 PHARMACEUTICALS LP and MCKESSON  
22 CORPORATION,

23 Defendants.  
24 \_\_\_\_\_/

1 DAVID MARTE, et al.,  
2  
3 Plaintiffs,

No. C 09-4164 CW

4 v.

5 ASTRAZENECA LP, ASTRAZENECA  
6 PHARMACEUTICALS LP and MCKESSON  
7 CORPORATION,  
8 Defendants.

9 BONG NGUYEN, et al.,  
10  
11 Plaintiffs,

No. C 09-4166 CW

12 v.

13 ASTRAZENECA LP, ASTRAZENECA  
14 PHARMACEUTICALS LP and MCKESSON  
15 CORPORATION,  
16 Defendants.

17 Plaintiffs in these related cases and Defendants AstraZeneca  
18 LP, AstraZeneca Pharmaceuticals LP and McKesson Corporation ask the  
19 Court to assert jurisdiction over a settlement fund discussed in  
20 the parties' Master Settlement Agreement (MSA). In support of this  
21 joint request, the parties cite 26 C.F.R. § 1.468B-1(c)(1).  
22 Plaintiffs, but not Defendants, also seek an order establishing the  
23 "MLF Qualified Settlement Fund" and appointing the Garretson Firm  
24 Resolution Group, Inc. as fund administrator and trustee.

25 Treasury Regulation section 1.468B-1(c)(1) defines a qualified  
26 settlement fund to be one that is "established pursuant to an order  
27 of, or is approved by, the United States, any state (including the  
28

1 District of Columbia), territory, possession, or political  
2 subdivision thereof, or any agency or instrumentality (including a  
3 court of law) of any of the foregoing and is subject to the  
4 continuing jurisdiction of that governmental authority." The  
5 regulation states that a fund is "'ordered by' or 'approved by' a  
6 governmental authority . . . when the authority issues its initial  
7 or preliminary order to establish, or grants its initial or  
8 preliminary approval of, the fund, account, or trust, even if that  
9 order or approval may be subject to review or revision." 26 C.F.R.  
10 § 1.468B-1(e)(1). The regulation, however, does not appear to  
11 provide the authority for the Court to establish a fund, or explain  
12 the criteria for doing so.

13 These related cases are not class actions. Thus, there are no  
14 absent class members to whom the Court owes a duty to protect and  
15 the Court is not required to grant preliminary approval of the  
16 parties' settlement. This contrasts with the examples identified  
17 in section 1.468B-1, which refer to instances in which a court has  
18 approved of settlements with a plaintiff class.

19 Accordingly, within three days of the date of this Order, the  
20 parties shall file a joint brief, not to exceed three pages, on the  
21 authority by which the Court may grant the relief they seek and the  
22 criteria it should apply. Further, the parties shall explain why  
23 the Court's intervention in their settlement is necessary.

24 IT IS SO ORDERED.

25 Dated: 2/15/2011

  
CLAUDIA WILKEN  
United States District Judge